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DESCRIPTORS *Annotated Bibliographies; *Civil Rights; College Students; *Discipline; High School Students; School Role; *Student Rights; *Student School Relationship

ABSTRACT

This abstracted bibliography lists 35 documents retrieved from the ERIC collection, Dissertation Abstracts and the journal literature, covering the defined civil rights of students, and legal decisions in the area of student-school relationships. (CJ)

ED 061563

searchlight

Relevant Resources in High Interest Areas

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RETROSPECTIVE SEARCH

School Discipline and Civil Rights

CG 400 053

Compiled by Mary Jane Kidder

October 1971

This search covers the defined civil rights of students at the high school and college levels, and recent legal pronouncements. (35 document abstracts retrieved)

$1.00

CG 400 053

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ERIC/CAPS, Room 2108, School of Education Building
The University of Michigan, Ann Arbor, Michigan 48104

Introduction

This information packet is intended to alert the user to a body of literature on a topic of current interest to counselors. It identifies research reports that have been cited in the Educational Resources Information Center's (ERIC) publication, Research in Education (RIE) from January 1967 through June 1971, in Dissertation Abstracts International from January 1968 through June 1971, and in ERIC's Current Index to Journals in Education (CIJE) from January 1968 through June 1971.

Ordering Instructions

Searchlight has attempted to give availability for all materials listed in this packet. In most cases, it is possible to obtain a personal copy of the title listed. The sources fall into three groupings:

ERIC Documents

References in this search for which an ED (ERIC Document) number is given may be ordered from the ERIC Document Reproduction Service (EDRS). Copies are available in either hard (photo) copy or in microfiche form. The microfiche require a special machine for use. To order any of the ED materials, please refer to the ERIC Reports Order Blank at the back of this packet.

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Journal Articles

Journal articles are available from the original journal in library or personal collections. Refer to the entry for volume and page designations.

ERIC Documents

ED 047 629 HE 001 996

Academic Freedom and Civil Liberties of Students in Colleges and Universities.

American Civil Liberties Union, New York, N.Y.

Pub Date Apr 70

Note—47p.

Available from—American Civil Liberties Union, 156 Fifth Avenue, New York, New York 10010 ($0.75)

Descriptors—*Academic Freedom, *Civil Liberties, *College Students, *Court Litigation, *Discipline Policy, *Higher Education

This pamphlet is a complete revision of the ACLU's handbook on academic freedom and civil liberties for students in institutions for higher learning, first published in 1961. Section I deals with the student as a member of the academic community, including admission policies, freedom in the classroom, safeguarding the privileged student-teacher relationship, the student's role in the formulation of academic policy and the ethics of academic scholarship. Section II deals with extracurricular activities, including student government, student clubs and societies, student-sponsored forums, student publications, radio and television, and artistic presentations. Section III discusses student's political freedom on and off campus. Section IV discusses personal freedom in terms of student residences, personal appearance, pregnancy, and search and seizure. Section V deals with regulations and disciplinary procedures, including enacting and promulgating regulations, academic due process, double penalties, and law enforcement on campus. Section VI discusses students and the military, including extent of cooperation with the Selective Service System, unconstitutional reclassification, recruitment on campus, and ROTC. Section VII deals with the confidentiality of student records. Recent court decisions on student rights and constitutional amendments relevant to standards of academic freedom are included in the appendix. (AF)

ED 038 126 JC 700 095

Andes, John

"Due Process" for Junior College Students in Academic and Discipline Cases.

Florida Community Junior Coll. Inter-institutional Research Council.; Florida Univ., Gainesville. Inst. of Higher Education.

Pub Date Mar 70

Note—13p.

Descriptors—Court Cases, *Court Litigation, *Discipline Policy, *Junior Colleges, *Legal Problems, *Legal Responsibility, Student Behavior, Student College Relationship

In this paper several court decisions relating to student rights and privileges are considered, particularly in the light of student unrest that is now extending to junior colleges. An individual's rights are guaranteed and protected by the federal Constitution which states that: no person shall be deprived of life, liberty or property without due process of law. With regard to academic matters, the courts generally maintain a policy of non-interference, leaving such decisions to the colleges themselves. In disciplinary matters, however, the courts have often been called upon to decide whether or not a student has been deprived of his rights under the due process clause. Brief examples from court cases concerning student discipline are given. Junior colleges, the author feels, should incorporate due process procedures into the rules and regulations of the college. These should be prepared by the administration and approved by the faculty and trustees, then published in the catalog and student handbook so that every student has an opportunity to be aware of them. Some junior college administrators may feel that this approach would limit and restrict their authority although the main purpose would be to limit capricious and arbitrary power of administrators while protecting the rights and privileges of students. (BB)

ED 040 490 EA 002 883

Ackerly, Robert L.

The Reasonable Exercise of Authority.

National Association of Secondary School Principals, Washington, D.C.

Pub Date 69

Note—33p.

Available from—National Association of Secondary School Principals, 1201 Sixteenth Street, N.W., Washington, D.C. 20036 ($1.00, Quanti ty Discounts)

HC Not Available from EDRS.

Descriptors—Activism, Administrative Policy, *Administrator Guides, Civil Disobedience, *Civil Liberties, Cocurricular Activities, Court Cases, *Court Litigation, Discipline Policy, Freedom of Speech, Principals, School Law, *Secondary Schools, *Student Behavior, Student Participation

This booklet was prepared to provide information and guidance for principals and other administrators on their duties and powers as defined by recent court decisions, and to suggest acceptable approaches to reasonable exercise of authority by school officials. The first section provides a general description of the concept "due process" and its relationship to school law. Based on recent court decisions, the guidelines for administrative action provided in section two concern freedom of expression; personal appearance; behavior codes; student property; extracurricular activities; disciplines; student government; student press; petition rights; and drugs. The final section presents annotations of landmark court cases that have affected the balance between the authority of the building administrator and the civil liberties of students. (JH)

ED 017 952 CG 001 776

BAKKEN, CLARENCE J.

THE LEGAL BASIS FOR COLLEGE STUDENT PERSONNEL WORK.

AMERICAN COLLEGE PERSONNEL ASSN.

REPORT NUMBER ACPA-SP-SER-NO-2

PUB DATE 66

DOCUMENT NOT AVAILABLE FROM EDRS.

DESCRIPTORS *LEGAL PROBLEMS, *LEGAL RESPONSIBILITY, *STUDENT PERSONNEL SERVICES, *UNIVERSITIES, COLLEGE STUDENTS, COLLEGES, COURT LITIGATION, DISCIPLINE, FINANCIAL SERVICES, HOUSING, LEGISLATION,

THE LAW IN OUR MODERN SOCIETY, AS IT RELATES TO STATE-SUPPORTED COLLEGES AND UNIVERSITIES, IS A COMPLICATED BODY OF KNOWLEDGE CONTAINED IN THE STATE AND FEDERAL CONSTITUTIONS, STATE AND FEDERAL STATUTES, AND STATE AND FEDERAL COURT DECISIONS. THIS MONOGRAPH ATTEMPTS TO SHOW THE BASIC PRINCIPLES OF THE LAW AS IT NOW EXITS AND HAS DEVELOPED OVER THE YEARS. CERTAIN GUIDING PRINCIPLES DEDUCED FROM THE LAW, CONSIDERED USEFUL TO STUDENT PERSONNEL ADMINISTRATORS, ARE PRESENTED. THE AREAS UNDER CONSIDERATION INCLUDE--(1) AUTHORITY FOR STUDENT PERSONNEL SERVICES, (2) ADMISSIONS, CONTINUATION, AND RECORDS, (3) HOUSING AND FOOD SERVICES, (4) SCHOLARSHIPS, LOANS, TUITION, AND FEES, (5) HEALTH AND COUNSELING SERVICES, (6) STUDENT DISCIPLINE, AND (7) STUDENT ACTIVITIES. SUGGESTED OPERATING PROCEDURES ARE INCLUDED AT THE END OF SEVERAL CHAPTERS. A BIBLIOGRAPHY AND INDEX ARE APPENDED. THIS DOCUMENT IS AVAILABLE FROM THE AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION, 1605 NEW HAMPSHIRE AVENUE, N.W., WASHINGTON, D.C. 20009. (PS)

ED 026 012 HE 000 354

Beany, William M.

Students, Higher Education, and the Law.

Denver Univ., Colo. Coll. of Law.

Spons Agency—American Council on Education, Washington, D.C.; Danforth Foundation, St. Louis, Mo.

Pub Date 68

Note—14p.; Paper presented at conference on "Legal Aspects of Student-Institutional Relationships," University of Denver College of Law, Denver, 1968.

Available from—University of Denver College of Law, 200 West 14th Ave., Denver, Colo. 80204 ($2.50)

Journal Cit—Denver Law Journal; v45 n4 p511-24 1968

Document Not Available from EDRS.

Descriptors—*Decision Making, Discipline Policy, Equal Protection, Governance, *Higher Education, Laws, *Legal Responsibility, Legislation, *Student Behavior, *Student College Relationship, Student Participation

Present and emerging legal principles and procedures are affecting the internal ordering of colleges and are particularly relevant to growing student demands for a larger share in decision making. Judicial resolution of student-institutional relationships is, however, largely inappropriate and it is up to the university to establish procedures that take into account legitimate student claims. Reinforced by prevailing social attitudes, institutions have assumed they have unlimited power to control the academic program and few limits on their power to control the noncurricular activities of students. Courts have largely upheld college authority and regarded the power to discipline students as beyond judicial control. Several developments are contributing to a more receptive attitude by the courts toward those challenging institutional authority--the move to achieve equal rights for all, wider acceptance of full freedom of expression under the first amendment, a tendency to examine more critically the behavior of powerful private associations, and an upsurge in demands for wider participation in decision-making processes. There will probably be a gradual reformulation in laws concerning student-university relationships but whatever is decided within the academic community will most influence judges. Due process and equal protection have many applications, as do the right of privacy and freedoms of the first amendment. Institutions should consider these rights and the changing attitudes of courts and adopt clear and consistent rules. (JS)

ED 044 799 EA 003 152

Bensfield, James A., Comp. *Peck, Carolyn, Comp.*

Student Rights Litigation Materials.

Harvard Univ., Cambridge, Mass. Center for Law and Education.

Pub Date May 70

Note—337p.

Descriptors—*Civil Rights, *Court Litigation, *Discipline Policy, Freedom of Speech, Police School Relationship, *School Law, *Student Problems, Student School Relationship

This report presents complaints and supporting legal memoranda from recent student rights cases. The complaints cover recurrent constitutional arguments that are advanced in most cases. The supporting documents offer a

complete compendium of applicable current decisions. The conception of student rights reflected herein is traditional, encompassing questions involving freedom of expression, personal rights, and procedural fairness. The typical planitiff is a high school or junior high school student who has been suspended, expelled, transferred, or otherwise disciplined. Although most of the cases focus on the legal right of school officials to act as they did, others emphasize the fairness of the procedures by which the disciplinary action was handled; both issues often appear in the same case. (Pages 83-85 and 97-105 may be of poor quality when reproduced because of marginal legibility.) Author/JF)

ED 041 373 EA 002 927

Carroll, William, Ed.

Current School Problems. Criminal Law and Urban Problems, Course Handbook Series Number 12.

Practicing Law Inst., New York, N.Y.

Report No—C4-3118

Pub Date 69

Note—248p.

Available from—Practising Law Institute, 1133 Avenue of the Americas, New York, New York 10036 ($20.00)

Document Not Available from EDRS.

Descriptors—Activism, *Bibliographies, *Civil Liberties, Collective Negotiation, *Court Litigation, Decentralization, *Discipline, Expulsion, Freedom of Speech, Legal Problems, Religious Conflict, *School Law, School Policy, State Church Separation, Suspension

This publication, prepared for distribution at a seminar on current school problems, contains discussions of recent court cases, judicial opinions, and a bibliography. Topics include suspensions and expulsions, haircuts, students' rights, freedom of expression, prayers in schools, decentralization, and teachers' rights to negotiate. (LLR)

ED 026 008 HE 000 350

Cohen, William

The Private-Public Legal Aspects of Institutions of Higher Education.

Denver Univ., Colo. Coll. of Law.

Spons Agency—American Council on Education, Washington, D.C.; Danforth Foundation, St. Louis, Mo.

Pub Date 68

Note—6p.; Paper presented at conference on "Legal Aspects of Student-Institutional Relationships," University of Denver College of Law, Denver, 1968.

Available from—University of Denver College of Law, 200 West 14th Ave., Denver, Colo. 80204 ($2.50)

Journal Cit—Denver Law Journal; v45 n4 p643-48 1968

Document Not Available from EDRS.

Descriptors—*Discipline Policy, Equal Protection, *Higher Education, *Laws, *Legal Responsibility, State Laws, *Student College Relationship, Students

Until recently, the courts perceived almost no difference in their treatment of public and private schools. Under due process and equal protection clauses of the law, a student's economic investment in his education is protected. The obvious legal concept to invoke to protect economic expectation is contract, so most cases involving student rights are thought about in terms of contract. But the university's traditional role of paternalism and the legal concept that education is a privilege to be taken on terms the school, either public or private, imposed have discouraged interference by the courts. The legal theories by which private institutions' decisions concerning student rights may be subjected to judicial control fall into 2 categories: (1) the concept of state action, by which a private school may be subjected to some of the same minimal constitutional restraints as a public school; and (2) a group of common law theories, by which state courts may subject a private school to legal norms. The real problem is not the development of legal theories but determination of the extent of legal control desirable in particular situations. And the nature of the issues involved gives different judicial perspectives to the state action question. Although there are a variety of legal theories that could be invoked, institutions should develop their own functional rules so they will not have to live with inappropriate ones imposed by a court. (JS)

ED 012 651 RC 001 150

DOWNEY, JOHN J.

DETENTION CARE IN RURAL AREAS.

NATIONAL COMMITTEE FOR CHILDREN AND YOUTH

PUB DATE SEP 63

19P.

DESCRIPTORS *CORRECTIVE INSTITUTIONS, *DELINQUENT REHABILITATION, *RURAL AREAS, *STATE AID, DELINQUENCY, DISTRICT OF COLUMBIA, PROBATION OFFICERS, RURAL YOUTH, STATE GOVERNMENT, STATE LAWS, YOUTH,

DETENTION IS DEFINED AS THE TEMPORARY CARE OF CHILDREN WHO REQUIRE SECURE CUSTODY FOR THEIR OWN OR THE COMMUNITY'S PROTECTION, PENDING COURT DISPOSITION. THE DOCUMENT STATES THAT JAIL DETENTION OF CHILDREN, THE PREVALENT RECOURSE, IS DEMORALIZING, UNFIT, AND OFTEN UNNECESSARY. NEEDS ARE STATED TO INCLUDE (1) ADEQUATE PROBATION SERVICES, (2) SHELTER CARE, SUCH AS SUBSIDIZING BOARDING HOMES, AND (3) DETENTION FACILITIES DESIGNED FOR CHILDREN. STATEWIDE PROGRAMS OF REGIONAL DETENTION ARE SEEN AS THE ONLY HOPE FOR ELIMINATING JAIL DETENTION FOR CHILDREN. THIS PAPER WAS PREPARED FOR PRESENTATION AT THE NATIONAL CONFERENCE ON PROBLEMS OF RURAL YOUTH IN A CHANGING ENVIRONMENT (SEPTEMBER 1963). (SF)

ED 012 648 RC 001 147

FELTON, JOSEPH B.

DEVELOPMENT OF JUVENILE COURT SYSTEMS IN RURAL AREAS.

NATIONAL COMMITTEE FOR CHILDREN AND YOUTH

PUB DATE SEP 63

EDRS PRICE MF-$0.25 HC-$0.68 17P.

DESCRIPTORS *COURT DOCTRINE, *COURTS, *DELINQUENCY PREVENTION, *RURAL YOUTH, CORRECTIVE-INSTITUTIONS, COURT LITIGATION, COURT ROLE, DELINQUENCY REHABILITATION, DISTRICT OF COLUMBIA, LEGAL PROBLEMS, NATIONAL COUNCIL OF JUVENILE COURT JUDGES, PROBATION OFFICERS, RURAL ENVIRONMENT, RURAL FAMILY,

THIS PAPER STATES THAT THE JUVENILE COURT IS RELATIVELY NEW IN AMERICAN JURISPRUDENCE, THE FIRST ONE HAVING BEEN ESTABLISHED IN 1899. UNIFORM STANDARDS WERE DEVELOPED IN 1923 AND HAVE BEEN REVISED FIVE TIMES SINCE, BUT ADOPTION INTO STATE LAWS HAS BEEN SLOW. PHILOSOPHY OF THE JUVENILE COURT IS PERSONALIZED AND INDIVIDUALIZED JUSTICE. TO CARRY OUT THIS CONCEPT, A MODEL PROGRAM SHOULD INCLUDE (1) A QUALIFIED JUDGE, (2) ADEQUATE PHYSICAL FACILITIES, (3) TRAINED PROBATION OFFICERS, AND (4) ADEQUATE COMMUNITY SUPPORT. SINCE MOST RURAL COMMUNITIES CANNOT FINANCE ADEQUATE FACILITIES AND SERVICES BY THEMSELVES, THE AUTHOR SUGGESTS THAT STATEWIDE JUVENILE COURT SYSTEMS BE ESTABLISHED. THIS PAPER WAS PREPARED FOR PRESENTATION AT THE NATIONAL CONFERENCE ON PROBLEMS OF RURAL YOUTH IN A CHANGING ENVIRONMENT (SEPTEMBER 1963). (SF)

ED 039 854 HE 001 586

Funk, Robert N.

Due Process: Possible Dangers and Advantages of Extension of Use of Due Process and Off-Campus Legal Machinery.

American Association for Higher Education, Washington, D.C.

Pub Date 3 Mar 70

Note—5p.; Paper presented at the 25th national conference of the American Association for Higher Education, Chicago, Illinois, March 3, 1970

Descriptors—Activism, *Court Litigation, Discipline, *Discipline Policy, *Higher Education, Legal Problems, *Legal Responsibility, Student Alienation, *Student College Relationship

Until recently, the name commonly given to the relationship between the college and its students was in loco parentis, a concept that today is completely outdated. Due process of law has replaced it and many feel that its advantages are great. There are many disadvantages, however. (1) The literal adoption of legal processes from "the outside world" may aggravate, rather than ease, the spirit of alienation and distemper on campus. (2) There is grave doubt that reliance on the courts and the police will prove effective in the long run--students are very inventive. (3) A literal translation of due process to academia may well mean an extraordinarily expensive and lengthy series of trials and appeals, with resulting overextension and exhaustion of resources. (4) The introduction of outside law enforcement could mean an abandonment of the campus' own code of conduct. The law is of limited use in interpersonal relationships, and, assuming that teaching and learning are still involved in such relationships, legal solutions to campus problems should be sought only when the life of the community is in great danger. (AF)

ED 025 805 CG 003 464

General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education.

District Court, Kansas City. Western District of Missouri.

Pub Date [68]

Note—19p.

Descriptors—*Discipline Policy, *Federal Court Litigation, Federal State Relationship, *Higher Education, *Legal Responsibility, *Student College Relationship

Judicial standards of procedure and substance are presented to encourage consistency in the United States District Court for the Western District of Missouri, in cases of student discipline in tax supported institutions of higher learning. The

relationship between education and the courts is discussed, concluding that only where erroneous and unwise actions in the field of education deprive students of federally protected rights or privileges does a federal court have power to intervene in the educational process. The 16 lawful missions of tax supported higher education are summarized. The obligations of the student are discussed with respect to these missions, concluding that no student may, without liability to lawful discipline, intentionally act to impair or prevent the accomplishment of any lawful mission, process, or function of an educational institution. Student discipline is considered a part of the teaching process, and not comparable to criminal law processes. The procedural and jurisdictional standards stated apply to (1) jurisdiction, (2) nature of action, (3) the question of exhaustion of remedies, (4) right to jury trial, (5) trial of equitable actions, and (6) the question of mootness. Provisional substantive standards in student discipline cases under Section 1938, Title 42, are discussed. (BP)

ED 039 832 HE 001 530
Guidelines on Open Expression.
Pennsylvania Univ., Philadelphia.
Pub Date 9 Apr 69
Note—11p.

Descriptors—*Activism, Civil Liberties, *Demonstrations (Civil), Discipline Policy, *Freedom of Speech, Governance, *Guidelines, *Higher Education, Student Participation, Violence
Identifiers—*Pennsylvania University

These Guidelines on open expression at the University of Pennsylvania include: (1) a statement of principles, expressing support for freedom of thought, inquiry, speech and lawful assembly, and for the need to ensure continuing openness and effectiveness of channels of communication; (2) a description of the newly created Committee on Open Expression, its composition, jurisdiction, and procedures; and (3) an outline of the standards that must obtain. These standards refer to the right of peaceful assembly regardless of the views expressed, meeting places, conduct of participants in demonstrations, rights of those not participating, punishment for those not observing the Guidelines, supervision of demonstrations, and their termination. A news release cataloguing the increasing role of students in University governance is attached. (AF)

ED 028 232 UD 008 138
Handbook on Catholic School Integration.
Catholic Committee of the South, New Orleans, La. Commission on Human Rights.
Pub Date 56
Note—41p.

Descriptors—Adjustment (to Environment), Biblical Literature, *Catholic Schools, *Church Role, Court Litigation, Delinquency, Diseases, Integration Effects, Integration Readiness, Intelligence, Moral Issues, Negroes, Racial Integration, Racial Segregation, Racism, *Religion, *School Integration

This 1956 pamphlet summarizes "scientific facts" about race and race relations from the point of view of the Catholic church and the desegregation of its schools. Discussed are the moral teachings of the Church, the scriptural support for racial equality, and the practicality of desegregation. The document refutes the racist notions about disease, intellectual inferiority, psychological problems and delinquency said to be prevalent among Negroes. The legal and constitutional basis for desegregation as well as the moral obligations of Catholics are noted. (NH)

ED 029 387 EA 002 237
Hollister, Charles A.
School Boards and the U.S. Constitution.
Pub Date Apr 69
Note—21p.; Paper presented at the Annual Session of the National School Boards Assn. (29th, Miami Beach, Florida, April 1969)

Descriptors—Academic Freedom, Activism, *Board of Education Policy, Censorship, Civil Rights, Conduct, Constitutional History, *Court Litigation, Discipline Policy, *Equal Education, *Freedom of Speech, Legal Responsibility, Public Officials, School District Autonomy, School Policy, *State Church Separation, State Legislation
Identifiers—Bill of Rights, First Amendment, Fourteenth Amendment, Tinker v. Des Moines Independent Community School

As public agencies created by State legislative mandate, school districts and the officers thereof are obligated to abide by several provisions of the United States Constitution. School boards can reduce many of the sources of current student unrest by complying with these provisions. Courts have held that under the Fourteenth Amendment school officials are obligated to provide due process of law and equal protection of the law to their patrons. These provisions strictly prohibit capricious, arbitrary, or unreasonable rule making and discrimination based on race, color, or economic position. Under the First Amendment the guarantees of freedom of speech and freedom of religion require school officials to recognize the student's right to speak without prior restraint, subject to penalties for abuse of that right, and requires these officials to maintain a neutral position towards religions. School officials seeking to operate their school system in a lawful, peaceful, and productive manner should be aware that as agents of the State they are subject to constitutional restraints on their authority. Such an awareness should limit the potential for turmoil stemming from decisions affecting the civil liberties of students. (JH)

ED 038 828 EC 005 66(
Legal Bibliography for Juvenile and Family Courts. Supplement 3, 1969.
Office of Juvenile Delinquency and Youth Development (DHEW), Washington, D.C.
Pub Date 69
Note—40p.
Available from—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($0.45)
HC Not Available from EDRS.
Descriptors—*Bibliographies, Child Care, Court Cases, *Court Litigation, Delinquency, Family (Sociological Unit), Juvenile Courts, Laws, Legal Responsibility

The bibliography of approximately 250 entries updates previous bibliographies on administrative justice for juveniles. Cases and articles, some of them annotated, are cited in 21 areas ranging from adoption, child abuse, and delinquency to court and legal procedures. (JD)

ED 047 362 EA 003 272
Policies that Clarify Student Rights & Responsibilities. School Board Policy Development Kit.
National School Boards Association, Waterford, Conn. Educational Policies Service.
Pub Date Oct 70
Note—32p.; Cat. No. 70-50
Available from—National School Boards Association, State National Bank Plaza, Evanston, Illinois 60201 (Cat. #70-50, 1-3 kits $2.00, quantity discounts.)
HC Not Available from EDRS.
Descriptors—*Board of Education Policy, Boards of Education, Civil Disobedience, *Civil Liberties, Demonstrations (Civil), *Discipline Policy, Freedom of Speech, *Guidelines, Policy Formation, Student Behavior, *Student School Relationship

This kit discusses written policies basic to student rights and responsibilities, including those based on the constitution and those not. Specific policies should be based on three broad, basic premises: (1) recognition that freedom implies the right to make mistakes as long as these mistakes do not endanger life and property or are not seriously disruptive, (2) recognition that students should have the right to live under "rule by law" rather than "rule by personality," and (3) recognition that deviation from opinions and standards deemed desirable by the faculty is not necessarily a danger to the educational process. Source materials in the kit include (1) representative board policies, rules, and information statements on student rights and responsibilities; (2) Evanston, Illinois, school district's policy on student expression; (3) due process procedures to be followed in the exercise of disciplinary authority; and (4) a guide to further reading. (Author/JF)

ED 026 010 HE 000 352
McKay, Robert B.
The Student as Private Citizen.
Denver Univ., Colo. Coll. of Law.
Spons Agency—American Council on Education, Washington, D.C.; Danforth Foundation, St. Louis, Mo.
Pub Date 68
Note—13p.; Paper presented at conference on "Legal Aspects of Student-Institutional Relationships," University of Denver College of Law, Denver, 1968.
Available from—University of Denver College of Law, 200 West 14th Ave., Denver, Colo. 80204 ($2.50)
Journal Cit—Denver Law Journal; v45 n4 p558-570 1968
Document Not Available from EDRS.
Descriptors—Academic Freedom, *Activism, *Discipline Policy, *Higher Education, Laws, *Legal Responsibility, Student Behavior, *Student College Relationship

Although the ultimate objectives of much campus protest are unclear, students generally want to be free of paternalistic university supervision. But they seem to want both academic shelter against the outside community and freedom from control by the university. We must examine the extent to which the university should treat its students as private citizens of the larger community and as adults who have come as consumers of the educational product. Since higher education is not available to all, reasonable conditions may be imposed upon all members of the university community. In seeking to determine the extent to which students should be regarded as private citizens certain propositions are accepted: there is no rational distinction between public and private universities; in loco parentis is unjustifiable; the university must be viewed as an instrument of a complex modern world; discipline should be limited to misconduct that adversely affects the university's pursuit of educational purposes; academic freedom should be accorded students. Violations of law off campus should be handled by civil authorities. Violations of law on campus should be treated according to their seriousness and threat to identifiable university interests. The handling of protests and demonstrations put these principles to the test. In devising new accomodations and procedures, universities should be heedful of the legitimate interests of their students. (JS)

ED 023 040 AC 002 763

Miller, Martin G., Comp.

A Bibliography on Police and Community Relations.

Michigan State Univ., East Lansing. National Center on Police and Community Relations.

Pub Date 1 May 66

Note–109p.; Includes Supplement 1, May 1967 and Supplement 2, May 1968.

Descriptors–Administration, *Bibliographies, Childrens Books, Civil Rights, Community Relations, Courts, Crime, Delinquency, Demonstrations (Civil), Historical Reviews, *Law Enforcement, Laws, Minority Groups, News Media, *Police, *Police Community Relationship, Psychology, Race Relations, Sociology, Violence, Youth

A reflection of concerns of social scientists and of those involved in law enforcement, this extensive bibliography on police and community relations covers general material (including historical reviews); problems and approaches in police administration; the police image and community relations; the impact of the civil rights movement and civil rights legislation; the law, the judiciary, and law enforcement; minorities, race relations, and poverty; the role of the news media; social change, prejudice, violence, and other psychological and sociological aspects of the problem of law enforcement; juvenile delinquency and other problems of youth; and children's books on the life and job of police officers. (ly)

ED 026 007 HE 000 349

Monypenny, Phillip

The Student as a Student.

Denver Univ., Colo. Coll. of Law.

Spons Agency—American Council on Education, Washington, D.C.; Danforth Foundation, St. Louis, Mo.

Pub Date 68

Note—14p.; Paper presented at conference on "Legal Aspects of Student-Institutional Relationships," University of Denver College of Law, Denver, 1968.

Available from—University of Denver College of Law, 200 West 14th Ave., Denver, Colo. 80204 ($2.50)

Journal Cit—Denver Law Journal; v45 n4 p649-62 1968

Document Not Available from EDRS.

Descriptors—Administration, *Discipline Policy, Equal Protection, *Higher Education, *Laws, Legal Responsibility, *Power Structure, *Student College Relationship

Identifiers—*The Colleges and the Courts

There are a variety of approaches to the limitation of discretion: in loco parentis, constitutional, contract, and trust for fiduciary theories. What has made these principles so far a matter of logical assertion rather than of law is that the courts have chosen not to review a college's use of discretionary authority regarding its students. Only final judgments that appear arbitrary are likely to be overturned by the courts. The application of constitutional limitations to student rights rests generally on the tenability of the public-private distinction. The extent to which private institutions may ignore the standards of the fourteenth amendment is unsure and although decided cases favor the virtually unrestricted freedom of private institutions, private power that requires a waiver of constitutional rights may be unlawful. The courts' new activism in civil liberties cases may forecast more aggressive moves into higher education. There are sound educational reasons for institutions themselves to ensure that justice is not only done but seen to be done. Whatever the legal restraints, colleges should examine the rights and privileges of students for their own sakes. Although most discussion of legal restraints has concerned "power," in understanding or prescribing for the academic institution the important question is one of "authority." If decisions are approached with the understanding that many share in the pattern of authority, then the function of a cautionary statement of legal limits is clear. (JS)

ED 029 603 HE 000 926

Paulsen, Monrad G.

Implications of Recent Court Decisions Involving Rights and Responsibilities on the Campus.

American Association of State Colleges and Universities, Washington, D.C.

Pub Date Nov 68

Note—11p.; Paper presented at the 8th Annual Meeting of the American Association of State Colleges and Universities, Washington, D.C. November 1968

Descriptors—*Activism, *Court Litigation, Discipline, Higher Education, *Legal Problems, *School Responsibility, State Universities, *Student Behavior

The US has witnessed an enormous federalization of protective devices in the field of criminal law and an expanded interpretation of the first 8 Bill of Rights provisions in recent years. Since the Supreme Court approaches college cases and criminal law cases in the same manner, it is important to know what is happening to the shape of the law. At state institutions, a student is entitled to know with some specificity what the charge against him is, who is testifying, and what they are saying. He is also entitled to a fair hearing, but whether he should have a lawyer has not been held by the courts. The substance of the rules of criminal procedure are subject to constitutional limitation. For instance, the university may forbid disorderly protests on campus but it may not discharge students for their participation in peaceful protests. The problems on campus are caused by student rebellion. It is suggested that they are rebelling because of the war in Vietnam and social injustices such as the plight of the poor blacks, whites, or Puerto Ricans. These are the same problems that burden life and create tension off campus. Since the law is not clear about the procedures required before a student can be expelled for civil disobedience off campus, administrators should try to protect the university community by dealing with on-campus affairs and letting off-campus authorities handle off-campus student activities. (WM)

ED 030 213 EA 002 376

The Pupil's Day in Court: Review of 1967. An Annual Compilation. School Law Series.

National Education Association, Washington, D.C.

Report No—RR-1968-R10

Pub Date 68

Note—67p.

Available from—Publications Sales Section, National Education Association, 1201 Sixteenth Street, N.W., Washington, D.C. 20036 (No. 435-13360, $1.25).

Not Available from EDRS.

Descriptors—Admission Criteria, *Court Litigation, Defacto Segregation, Higher Education, Injuries, Parochial Schools, Public Schools, Racial Balance, School Attendance Laws, *School Integration, State Church Separation, *Students, *Student School Relationship, Student Transportation

This report contains digests of 1967 court decisions dealing with legal and constitutional issues concerning students in public schools, parochial schools, and public institutions of higher education. All levels of the State and Federal judiciary systems are represented by the decisions. The 88 case digests are arranged under the following topic headings: (1) Admission and attendance, (2) school desegregation, (3) pupil injury, (4) religion/sectarian education, (5) transportation, and (6) miscellaneous. Forty-two school desegregation decisions coupled with 20 decisions on pupil injury cases account for over 70% of the 88 reported cases. A title index to the cases is also provided. Court litigation affecting teachers in 1967 and State school legislation in 1968 are the topics of related documents EA 002 375 and EA 002 377. (JH)

ED 043 291 HE 001 745

Report of the American Bar Association Commission on Campus Government and Student Dissent.

American Bar Association, Washington, D.C.

Spons Agency—American Bar Foundation, Chicago, Ill.

Pub Date [70]

Note—40p.

Descriptors—*Activism, Civil Liberties, Discipline, *Discipline Policy, Freedom of Speech, *Higher Education, *Legal Responsibility, *Student Behavior

Universities have responded to disruptive disturbances and to the underlying student unrest in various ways. Internal disciplinary actions, the use of police or national guard, the use of court injunctions and criminal prosecutions have been used by various institutions at different times. The purpose of this report is to develop principles and procedures that will ensure freedom for dissent, while preserving order. The report deals first with the protection of freedom of expression and political activity in public colleges and universities, including the freedom of association, of speech and assembly, of the press, and within the classroom. The protection of these freedoms in private institutions is also discussed. The next section deals with the maintenance of order with justice and presents university disciplinary procedures and the principles for achieving reliability and fundamental fairness. These include: the need for rules, equality of enforcement, "impartiality of the trier of fact," notice of the charge, information concerning the nature of the evidence, opportunity to be heard, basis of the decision, and representation of the accused. The relationship between campus and civil authority is discussed, including such issues as injunctions, criminal sanctions, civil actions for damages, the need for planning, double jeopardy, and revocation of financial assistance. (AF)

ED 040 682 HE 001 608

Tentative Recommendations Concerning Rights and Responsibilities. [Report of the University Committee on Governance.]

Harvard Univ., Cambridge, Mass.

Pub Date Apr 70

Note—31p.

Descriptors—Administrator Responsibility, *Civil Liberties, *Discipline, *Discipline Policy, *Higher Education, *Responsibility, Student Participation, Teacher Responsibility

Identifiers—*Harvard University

This is a report of the tentative recommendations of the Harvard University Committee on Governance with respect to the rights and responsibilities of students, faculty, and administrators. The primary focus is on discipline policy. The report is divided into 9 topics. Part I is the Introduction. Part II contains a summary of the 7 major tentative recommendations including authorizing students to sit on boards and committees that consider student disciplinary cases, the adoption of an interim university-wide statement on rights and responsibilities, and the creation of a university-wide faculty-student committee on rights and responsibilities. Part III discusses the

present situation at Harvard with regard to rights and responsibilities. Part IV proposes changes in rules governing participation of students on disciplinary boards, and the composition, methods of selection, and procedures of disciplinary boards. Part V proposes that the faculty, if it so wishes, be permitted to delegate all of its disciplinary functions to one or more administrative or judicial boards or committees. Part VI discusses the university-wide statement on rights and responsibilities; Part VII, the university-wide coordination of student discipline; Part VIII, the discipline of persons holding teaching, research and administrative appointments, and Part IX deals with accountability of university officers. (AF)

ED 026 009 HE 000 351

Van Alstyne, William W.

The Student as University Resident.

Denver Univ., Colo. Coll. of Law.

Spons Agency—American Council on Education, Washington, D.C.; Danforth Foundation, St. Louis, Mo.

Pub Date 68

Note—30p.; Paper presented at conference on "Legal Aspects of Student-Institutional Relationships," University of Denver College of Law, Denver, 1968.

Available from—University of Denver College of Law, 200 West 14th Ave., Denver, Colo. 80204 ($2.50)

Journal Cit—Denver Law Journal; v45 n4 p582-613 1968

Document Not Available from EDRS.

Descriptors—Activism, Administration, *Discipline Policy, *Higher Education, *Laws, Legal Responsibility, *Student College Relationship, *Students

Identifiers—*Joint Statement on Rights and Freedoms of Students

The distinction between the student as campus resident (if the residential relationship is viewed as one of contract) and the student as private citizen appears to be fair to both university and student. But, whether the university is considered primarily an academic institution or an instrument of government, the off campus/on campus distinction is unsound and property or contract analogies insecure as matters of law. Because the property-holder (university) is placed in a position of power through public largess, its authority is hedged by constitutional restraints. Thus a student does not give up his rights as a citizen when he enters college. Norms of constitutional law have been increasingly applied to the PROCEDURE of college discipline. Students are entitled at least to the procedural safeguards of due process though these requisites are substantially less than standards recommended by professional educational associations. The ultimate legality of a college rule cannot be measured by the geography within which it operates. There should be a serious re-evaluation of those college rules which overlap local, state and federal laws to the end of leaving the policing of municipal concerns to municipal authorities. Academic sanctions should be reserved for academic, not social, offenses. Regarding campus disorders, the university should take the important steps of: attending to longstanding problems, improving communication, sharing responsibility, encouraging faculty participation, reformulating rules of conduct, and reviewing the crisis and the institution's situation. An appendix of documents on student rights is included. (JS)

ED 028 233 UD 008 139

Williams, J.D.

The University of Mississippi and the Meredith Case. (Includes "Another Mississippi Story").

Mississippi Univ., University.

Pub Date 15 Nov 62

Note—48p.

Descriptors—Accreditation (Institutions), Administrative Policy, College Admission, *College Integration, *College Segregation, *Court Litigation, Discipline, Federal Court Litigation, Police Action, Speeches, State Officials, States Powers, *State Universities, Supreme Court Litigation, Violence

Identifiers—James A Meredith, Ross A Barnett, University of Mississippi

The document is the report of the chancellor of the University of Mississippi about the university's role in the case of James Meredith. Presented is the history of the case from the university's viewpoint--Meredith's initial application for admission, the subsequent legal suit and appeals, the U.S. Supreme Court decision ordering his admission, various administration actions and the refusal to admit Meredith. Also described are the legal injunctions and contempt proceedings instituted by Meredith, his entry on the campus, the riot which ensued, and his eventual enrollment. The document contains material about the accreditation of the University of Mississippi, student discipline, a statement about the academic program, and the text of a speech by the chancellor. (NH)

ED 036 246 HE 001 224

Young, D. Parker

The Legal Aspects of Student Discipline in Higher Education.

Georgia Univ., Athens. Inst. of Higher Education.

Pub Date 69

Note—28p.

Available from—Institute of Higher Education, University of Georgia, Athens, Georgia 30602

Document Not Available from EDRS.

Descriptors—*Administrative Policy, *Court Litigation, *Discipline, Discipline Policy, Freedom of Speech, *Higher Education, Student Behavior, Student College Relationship, *Students

The proliferation of court cases involving student discipline testifies to controversy over administrative procedures. Generally, a college's disciplinary policy is viewed as part of the learning process. Courts in the past have ruled favorably on the contractual theory which decrees that an entering student agrees to abide by certain university rules and regulations, especially in the case of private institutions. Courts have limited the concept of "in loco parentis," decreed that attendance at a college is a privilege, not a right, and made students responsible for lawful conduct. They have generally hesitated to interfere with scholastic affairs and college disciplinary processes unless there has been a clear violation of constitutional rights. Lack of due process has been the basis for most discipline cases brought into court. "Due process," however, has had many interpretations, "Equal protection" of the laws is also difficult to define. Examples of court cases testing various aspects of due process, and guidelines for public institutions are offered. (AF)

ED 044 092 HE 001 831

Young, D. Parker

The Legal Aspects of Student Dissent and Discipline in Higher Education.

Georgia Univ., Athens. Inst. of Higher Education.

Pub Date 70

Note—65p.

Available from—Institute of Higher Education, University of Georgia, Athens, Georgia

Document Not Available from EDRS.

Descriptors—*Activism, Civil Liberties, *Court Litigation, Discipline, *Discipline Policy, *Higher Education, *Student Behavior, Student College Relationship

This monograph is an update, revision, and extension of an earlier publication entitled: The Legal Aspects of Student Discipline in Higher Education (see ED 036 246). This report includes the new rulings that have been handed down since the publication of the earlier version, and some additional sections. Discussed in this report are: (1) the relationship between students and the school, including such issues as the contractual theory, in loco parentis, attendance as a right or privilege, and student responsibilities; (2) the relationship between the courts and education; jurisdiction and state action; (3) factors relating to due process in student dissent and discipline, such as notice, hearing, confrontation and cross-examination of witnesses, right to counsel, self-incrimination, rules of evidence, trial by jury, off-campus judicial proceedings, freedom of speech and assembly, speaker bans, search and seizure, and interim suspension; and (4) such questions as equal protection in student dissent and discipline, judicial intervention in scholastic affairs, and the special situation in private institutions. Guidelines for disciplinary proceedings and some recommendations conclude the report. (AF)

ED 041 189 Fischer, Thomas C. DUE PROCESS IN THE STUDENT-INSTITUTIONAL RELATIONSHIP. Washington, D.C.: American Association of State Colleges and Universities; ERIC Clearinghouse on Higher Education, 1970. MF-$0.65 HC-$3.29 44P.

Students are making increasingly strong efforts to exercise what they consider to be their rights, and it is becoming ever more crucial what "due process" means. This report explains the meaning of procedural due process: the concept of "dueness" and the student's "right" to due process. In addition it discusses: (1) the legal relationship between the student and the institution: the contract theory, the concept of in loco parentis, the fiduciary theory, and the constitutional theory; (2) the present state of disciplinary procedures within the academy and elements of fair and just dealing in student discipline cases which should meet the "due process" requirement; (3) methods for initiating an adjudicatory system and procedures which will assure that these requirements are met; (4) some minor issues which surround the main topic, such as violation of a criminal or civil law, double jeopardy, self incrimination, right to a private or public hearing and severance, search and seizure, warrents,and record keeping; and (5) a rationale for the positions taken. A sample statement concerning student "due process" and an annotated bibliography conclude the report. (AF)

ED 034 498 Schwartz, Edward. JOINT STATEMENT ON THE ACADEMIC FREEDOM OF STUDENTS. A SUMMARY AND ANALYSIS. Washington, D.C.: United States National Student Association, 1967. MF-$0.65 HC-$3.29 68P.

Contributions to the statement on the academic freedom of students were made in 1967 by representatives of the American Association of University Professors, the Association of American Colleges, the National Student Association, the National Association of Women Deans and Counselors. The statement proposes that U.S. colleges and universities adopt an open admissions policy so that students from racial minority groups may also have equal access to higher education, and that students be allowed to: express their views in the classroom and in student publications; organize and join associations to promote their common interests; participate in the formulation and application of institutional policy; and exercise their rights as citizens both on and off campus. The separation of students' academic and disciplinary records by their institutions and the confidentiality of these records are also dealt with. A lengthy section that deals with institutional procedures for the administration of student discipline is followed by a three point resolution on the implementation of the statement. Two previous drafts of this joint statement are appended, together with another statement by the American Council on Education on the confidentiality of student records. (WM)

Journal Articles

De Bruin, Hendrick C. *Education and Due Process.* Education, November-December 1969, 90(2), pp174-175.

This article attempts to provide school administrators with a guide which will help to minimize disruptions in the educational process and protect him in the event of litigation.

Garber, Lee O. *'Black Armband' Case Stirs Debate by Supreme Court.* Nation's Schools, June 1969, 83(6), pp72-74.

Dr. Garber reacts to a decision handed down by the Supreme Court on the question of freedom of speech of pupils. The court overturned a board policy in the Des Moines public schools which prohibited Vietnam war protesters from wearing black armbands.

Joyce, Walter E. *Student Discipline in Higher Education and the Courts. A Study of the Absence of Due Process.* National Association of Student Personnel Administrators Journal, 1968, 5(3), pp253-258.

A Judicial Document on Student Discipline. Educational Record, 1969, 50(1), pp12-20.

An order on judicial standards of procedure and substance in review of student discipline in tax supported institutions of higher learning, issued by a federal district court, is presented along with the accompanying memorandum as a means to greater understanding of the legal responsibilities of students, faculty and administrators.

Lewis, Michael D., and Lewis, Judith A. *The Counselor and Civil Liberties.* Personnel and Guidance Journal, 1970, 49(1), pp9-13.

The role of counselors should include working toward democratization of the environment, acting as civil liberties advocates for individual students whose rights are in jeopardy, and providing support for counselees who choose to dissent against conventionally accepted policies of school or society.

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